

# EXHIBIT

## I

**From:** Colmenero, Angela  
**To:** Ezra Rosenberg; [alltexasvoterid@dechert.com](mailto:alltexasvoterid@dechert.com); [VOTTexasID@usdoj.gov](mailto:VOTTexasID@usdoj.gov)  
**Cc:** Frederick, Matthew  
**Bcc:** Dahlberg, Shelley; Lindsey Wolf; Jimmy Blacklock  
**Subject:** Education and Training Meet and Confer  
**Date:** Thursday, August 11, 2016 1:47:00 PM  
**Attachments:** [VoteTexas Toolkit 062116\\_seal.docx](#)  
[20160811 Voter ID FAQs.docx](#)  
[SOS-003-VT20160-Print-Update\\_08042016.pdf](#)

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Ezra,

The information below provides additional detail regarding the steps the State has taken or intends to take as part of its comprehensive voter education and election worker training plan. We have also attached several documents for the purpose of furthering the meet and confer process that relate to certain initiatives described below. We reference a media flow chart and list of organizations who will receive the toolkits in our summary, but we need to designate these documents as "Confidential -- Attorneys' Eyes Only" because we consider them proprietary. If you could send us an email confirming that you will honor that designation for purposes of this meet and confer process, I will send a follow-up email attaching those documents.

#### Updates to Websites

As we mentioned during our call yesterday, SOS is in the process of updating their main and votetexas.gov websites after the court issued the interim remedy order late Wednesday afternoon in order to accurately reflect the changes in election procedures. We pointed out several of these changes to you during our call yesterday afternoon, and as we discussed, we are interested to hear any specific concerns Plaintiffs have with the updates thus far. My clients do not believe that Plaintiffs should have any advance input into what SOS puts up on its websites because it would create an inefficient process and leave SOS with little flexibility to provide real-time updates when necessary. The websites are internally controlled by SOS and contains messages that are the personal statements of the Secretary (i.e., press releases, tweets, etc.). Indeed, one of the issues raised in Ms. Clark's chart identifies statements made by the Secretary in a press release. If this complaint is indicative of the concerns Plaintiffs intend to raise with respect to statements that are solely within the prerogative of the Secretary, we continue to voice our opposition to such efforts. My clients also believe that it is appropriate to allow them the discretion to translate documents into Spanish for use on the website and other forms of media without having to provide such documents to the Plaintiffs for review. The translation of these documents is done by an individual who is employed at SOS and speaks Spanish as her first language.

Here is a summary of updates that have been made to VoteTexas.gov:

- Added the following language to the front pages of VoteTexas.gov and <http://www.sos.state.tx.us/> (the "SOS Homepage"); there is also a Spanish version of this statement ([http://www.sos.state.tx.us/sos\\_espanol.shtml](http://www.sos.state.tx.us/sos_espanol.shtml)): "Notice: The Office of the Secretary of State is in the process of updating its websites to reflect a court order issued on August 10, 2016, relating to identification requirements for voting." This language is also scrolling on a banner on VoteTexas.gov.

- Removed the following item from the SOS Homepage and VoteTexas.gov: “Don’t have a photo ID for voting? Election Identification Certificates are available from DPS offices.”
- Removed the following from links from Points of Interest on the SOS Homepage: “Press Release: Texans in disaster areas may qualify for photo ID exemption; Press Release: Voters without photo ID may qualify for an exemption or free ID.”
- Added the following to Points of Interest on the SOS Homepage (with newly issued hyperlinked press release): “Press Release: Voters in November election have additional ID options announces Secretary Cascos.” The press release is in the process of being translated into Spanish. This press release was tweeted by the @Txsecofstate twitter account and retweeted by the @VoteTexas account, and it was distributed statewide by SOS’s Communications Director.
- Updated the (now called) “Voter ID Education Resources” section of VoteTexas.gov in English and Spanish (<http://www.votetexas.gov/resources/voter-id-education-materials>; <http://www.votetexas.gov/es/recursos/folletos-educativos-sobre-identificacion-para-votar>) by:
  - Removing references to “Photo ID” in the name of the page, headings, button, and link for people to use on their own websites, and replacing them with “Voter ID”;
  - Adding and updating links to the revised posters (now referred to as Voter ID, not Photo ID, Information Flyers) for posting in the polling place in English and Spanish (the same versions that have been up for the tax ratification elections);
- Removing a link to a now outdated template press release.

Here are additional pages SOS needs to update on VoteTexas.gov, which we plan to have updated by COB on Monday:

- Required Identification for Voting in Person (<http://www.votetexas.gov/register-to-vote/need-id>)
- Your Voter Registration Card (<http://www.votetexas.gov/register-to-vote/550-2>)
- “Register to Vote: Need ID? Procedures for Voting Revisions” (<http://www.votetexas.gov/register-to-vote/need-id>) – Please see below
- Election Identification Certificate Mobile Stations (<http://www.votetexas.gov/election-identification-certificate-mobile-stations/> and possibly iterations of this website)
- FAQs Page (<http://www.votetexas.gov/faq/>)
  - “What will I need in order to vote in person on election day or

during early voting?”

- This question/answer also appears on the Early Voting tab of the FAQs page  
(<http://www.votetexas.gov/faq/early-voting>)
- “What if a voter does not have any of the acceptable forms of photo ID? Are there any exceptions?”
- “What does ‘substantially similar’ mean?”
- “It’s election day, November 8, 2016, and I’m registered and ready to vote and have my identification. Where do I go? What are the hours for voting on election day?”
  - This question/answer also appears on the Where to Vote tab of the FAQs page  
(<http://www.votetexas.gov/faq/where-to-vote>)
- “When does the new photo identification law go into effect?”
- “Do I still need to bring my voter certificate/card? Will I be able to vote without it?”
- “What kind of identification will be required to qualify to vote in person under the new program?”
- “My ID is expired. Will it still work?”
- “What if I forget to bring my photo identification with me when I vote in person? Will I be turned away?”
- “If I have a government-issued ID that contains my photo and is not on the list above, may I still use it?”
- “My name on my approved photo ID does not exactly match my name on my voter registration card. Can I still vote?”
- “Does the new photo ID requirement apply to voting by mail?”
- “Does the address on my photo identification have to match my address on the official list of registered voters at the time of voting?”
- “What happens if I refuse to show proof of identity?”
- The “Provisional Voting” section on the FAQs page.
- Your Rights Page (<http://www.votetexas.gov/your-rights/>)
- Who Page under “Who, What, When, Where, How” Tab  
(<http://www.votetexas.gov/voting/#id-voter>)
- How to Vote Page under the “Who, What, When, Where, How” Tab  
(<http://www.votetexas.gov/voting/how>)

- Paper Ballot Page (<http://www.votetexas.gov/voting-systems/paper-ballot/>)

SOS also plans to update the following links on its main website by COB on Monday and may possibly remove other archived content on other sections of its main page:

- <http://www.sos.state.tx.us/index.html>
- <http://www.sos.state.tx.us/elections/index.shtml>
- <http://www.sos.state.tx.us/elections/forms/pol-sub/index.shtml#photo-id>
- <http://www.sos.state.tx.us/elections/laws/cchairlaws.shtml>
- <http://www.sos.state.tx.us/elections/laws/cclerklaws.shtml>
- <http://www.sos.state.tx.us/elections/laws/tavrlaws.shtml>
- <http://www.sos.state.tx.us/elections/laws/ealaws.shtml>
- <http://www.sos.state.tx.us/elections/laws/citylaws.shtml>
- <http://www.sos.state.tx.us/elections/laws/schoollaws.shtml>
- <http://www.sos.state.tx.us/elections/laws/other.shtml>

SOS needs to update the “Register to Vote: Need ID? Procedures for Voting” section of the VoteTexas.gov website by tomorrow. While we do not believe that Plaintiffs should have advance preview of information or communications SOS puts out on its website (for the reasons set forth above), we are providing you a copy of the newly revised Register to Vote: Need ID? Procedures for Voting as part of the meet and confer process. We intend to go live with these FAQs on the website by tomorrow as part of our continued effort to react quickly to the court’s interim order and provide accurate information on our website. If you are inclined to provide suggestions to us, please do so within 24 hours (by noon tomorrow). We cannot agree in advance to accept your proposals, but if your proposals are intended to address a factual or legal inaccuracy with our interpretation of the procedures, we will certainly take those under consideration.

DPS is also in the process of updating its website regarding the issuance of EICs. It will most likely have a banner up (similar to one on SOS’s website) by the end of the day indicating they are in the process of updating their website.

#### **Written Election Worker Training Materials and Online Training Materials**

The Defendants have represented that the written training materials would be updated by September 20, 2016. The State is also prepared to create an online poll worker training module. SOS has recently executed a purchase order with a vendor and will begin working with that vendor to prepare the module with an anticipated launch date of September 19. The State is prepared to allow Plaintiffs 24 hours to review the portions of its training manual that need to be updated in light of the court’s interim order. Furthermore, the State is prepared to allow Plaintiffs the same amount of time to review the online training module. Once again, although the State will allow Plaintiffs to

preview these materials and will listen to any proposed suggestions, the State does not believe it is under any obligation to accept Plaintiffs' suggestions. SOS's Election Division also sent an email to election officials across the 254 counties in Texas yesterday. The email notified election officials of the court's order and provided a copy of the reasonable impediment declaration in English and Spanish. The email notified officials that SOS will be updating the necessary forms and poll working training to reflect the new procedures.

### **Public Education Campaign**

Here are additional details regarding the portion of the budget under SOS's contract for media channels the State intends to utilize in its public education campaign as well as allocated funds associated with each strategy. The amounts are estimates and are subject to change under the agreed procedures in the contract, which do not provide for third party input. Also, since the phase of the contract for the November election started on June 1, amounts within these budgets have been incurred for June, July and August to date, and SOS has not received invoices for them. Accordingly, these budgets are estimates and may partially have been spent.

- **Paid Media (~\$1,300,000):** This category includes the purchase of television, print, radio, and digital advertising time and space. Digital and social media advertising will begin the first week of September. Print advertising should appear the first week of September but could be slightly delayed by publication lead times. Radio and television ads would be broadcast beginning the first of October, just as the public's attention focuses on the upcoming election.
  - The State, in consultation with its advertising firm, has identified a list of local markets where it will air radio ads, television commercials, transit advertising, and digital out-of-home advertisements. The paid media plan will provide statewide coverage to ensure the creative concepts are seen by as many Texans as possible. Please see the media flowchart for a list of the local markets and the estimated expenditure dedicated to media buys at this time.
  - Please note that this list is by no means final and assumes that such media spots are still available for purchase. The State must finalize its media spots immediately because every day that passes fewer media spots are available. Further, the State must retain the flexibility to shift from one market to another if its vendors determine that the message in one area could more effective elsewhere in the state.
  - The State is prepared to move forward with the filming of television commercial concepts created by its vendors. The State views these concepts as proprietary information. Further, the State does not believe it should be required to run every change to these creative concepts by Plaintiffs for their approval or review because it must retain flexibility to make necessary modifications when the commercials are in production.
  - There are additional amounts budgeted for advertising planning, strategy, and production, which are not included in this category.
- **Media Relations (\$232,000):** This category includes activities such as: distribution of press releases and media advisories, press events and roundtable discussions, promoting the Secretary's community visits to local media, creation of resources for reporting stories about ID requirements and infographics and logos which can



be used in news stories. These initiatives can begin now that the court entered the interim remedy order.

- This category is a fluid process and the vendors serve as a true public relations resource for the Secretary. These services will include the review and distribution of press releases and media advisories, preparing the Secretary for press events, and roundtable discussions.
- The Secretary plans to be on a statewide tour beginning August 31 and ending October 31 to the areas listed herein. These areas have not been confirmed and the locations are at the sole discretion of the Secretary's availability and schedule. The possible areas include: UT Austin, San Marcos, El Paso, San Antonio, La Vernia, Karnes, Houston, San Angelo, UT Permian Basin, Abilene, Dallas, Corpus Christi, Dallas, Wichita Falls, Amarillo, Lubbock, Fort Worth, Tyler, Nacogdoches, Lufkin, Houston, Victoria, San Antonio, and Rio Grande Valley. The Secretary's visits will be intended to reach voters directly and will serve as media relations events.
- Community Engagement (\$178,751.82): Community engagement capitalizes on the connections community groups and organizations have to share information with members and address specific concerns. This outreach includes distribution of toolkits with clear, reliable information and templates for group leaders to share with their constituents and members. The digital toolkits are completed, but will need to be updated in light of the interim remedy order. The toolkits will be distributed digitally within a week of the order.
  - We have attached a sample toolkit to this email, but please note that it has not been updated since the court issued its interim remedy order. We intend to update the toolkit immediately to reflect the new procedures for the November general election.
  - The toolkits include the following information:
    - Greeting letter from Secretary Cascos
    - Vote Texas Facts
    - Sample Constituent Email
    - Sample Press Release
    - Suggested Social Media Content
    - Vote Texas Logos for use on websites
    - Biography of Secretary Cascos
  - SOS's vendor has created a proprietary list of over 1,800 community organizations and businesses (which may follow under separate cover; see above), to target with toolkits.
  - To the extent the Plaintiffs would like SOS to target specific community organizations or businesses, please identify those entities and we will consider adding them to our toolkit recipient list or confirm that they are

already on the list.

- Elected Official Outreach (\$65,000): SOS will provide elected officials with toolkits featuring sample press releases, suggested social media posts, and other resources, in order to mobilize officials to help educate voters. Elected officials include state and local officials such as state senators and mayors, who will serve as a force multiplier. The toolkits are completed, but will need to be updated in light of the interim remedy order.
  - A similar toolkit as sent to community groups and organizations will be sent to elected officials (see above for contents). The content is currently being updated in light of the interim remedy order.
  - The toolkit will go to every member of the Texas House of Representatives, every member of the Texas Senate, every member of the Texas Congressional delegation, and all statewide officeholders. It will also go to local government leaders such as mayors (SOS paid for a list of mayors and their respective contact information from the Texas Municipal League) and county judges. To the extent the Plaintiffs would like SOS to target elected officials, please identify those individuals and we will gladly add them to our toolkit recipient list or confirm that they are already on the list.
- Digital and Social Media (\$167,724.95): SOS maintains social media accounts on Facebook, Twitter and Instagram related to voting and its Vote Texas campaign. These channels allow SOS to connect directly with Texas voters, especially in the 18-25 range. SOS will use these channels to remind voters about important dates and other key voting facts, publicize news related to voter education, and directly answer questions. The funds allocated for this media strategy are targeted toward helping SOS amplify its message across social media networks.
- Contingency Funds (\$243,867.65)

There are also other amounts budgeted under the contract, for example, Contract Administration (\$100,192.23), which funds the management, compliance, and reporting required for the execution of the voter education campaign with our vendor. These Contract Administration funds are used to fulfill state contracting requirements.

At the end of the day, my clients are opposed to Plaintiffs controlling our ability to update agency websites, press releases, social media messages, email communications with election officials and poll workers, etc. through an ongoing review and approval process. We are hopeful we can find ways to involve you in the creation of the education plan, but we firmly believe that the execution of the plan should be left to the State.

We are much more inclined to hear your thoughts on the public education component that involves the expenditure of slightly more than \$2.5 million of state funds. We have provided you with the most current information we have on these topics and propose that the parties continue to discuss your concerns and suggestions to the education component in a future call this afternoon.



Thank you very much for your patience as we prepared this response. We will respond separately to the emails sent by the Plaintiffs yesterday and this morning. As we indicated to Myrna when she contacted us, we are generally available for a call this afternoon.

Thanks,  
Angela

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